IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 22330 of 2007(G)

PETITIONER:

ABDUL NAZAR.K.,
KIZHAKKETHIL HOUSE,
PULAMANTHOLE POST,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.BHASKARAN

RESPONDENTS:

---

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY, KSEB,
VYDHUTHI BHAVAN, THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,
KSEB DIVISION OFICE, WADAKANCHERY,
THRISSUR DISTRICT.

3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SECTION, KSEB, CHELAKKARA,
THRISSUR DISTRICT.

4. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION, KSEB, CHELAKKARA,
THRISSUR DISTRICT.

BY GOVT. PLEADER SRI.I.V.PRAMOD.
BY SRI.P.P.THAJUDEEN,SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 22330 OF 2007 - G

Dated this the 27th day of July, 2007

J U D G M E N T

The petitioner is the owner of a building occupied on lease by the Kerala State Electricity Board. He now seeks the following reliefs in respect of the building in question:-

> "a) writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to continue the lease arrangement by executing lease agreement afresh pursuant to Ext.P4;
>
> b) a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to consider Ext.P4 and pass necessary orders thereon;
>
> c) a writ of mandamus or any other appropriate writ, order or direction directing the respondents no to vacate the premises without passing final orders on Ext.P4;
>
> d) granting such other reliefs or reliefs as are prayed for by the petitioner in the course of this Original Petition or which are deemed fit by this Honourable Court."

2. I had specifically asked the Standing Counsel for the K.S.E.B as to whether the K.S.E.B is willing to continue to occupy the building, on lease. The Standing Counsel replied that the Electricity Board is in search of

new premises and they are not willing to continue to occupy the building in question, on lease. This Court cannot force an unwilling tenant to continue occupying the building, on lease, notwithstanding the fact that it is a Government Organisation. That being so, I do not find any merit in the writ petition and the same is dismissed. If the petitioner has any right under the lease deed, it is perfectly open to him to agitate the same in appropriate proceedings before the civil court.

sd/-
S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007